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(USD(A))

SUBJECT: Distribution Statements on Technical Documents

References: (a) DoD Directive 5230.24, subject as above, November 20, 1984 (hereby canceled)
(b) DoD Directive 3200.12, DoD Scientific and Technical Information Program, February 15, 1983
(c) through (i), see enclosure 1

A. REISSUANCE AND PURPOSE

This Directive reissues reference (a) to update policies and procedures for marking technical documents, including production, engineering, and logistics information, to denote the extent to which they are available for distribution, release, and dissemination without additional approvals or authorizations.

B. APPLICABILITY AND SCOPE

This Directive:

1. Applies to the Office of the Secretary of Defense (OSD), the Military Departments (including their National Guard and Reserve components), the Organization of the Joint Chiefs of Staff (OJCS), the Unified and Specified Commands, and the Defense Agencies (hereafter referred to collectively as "DoD Components").

2. Covers newly created technical documents generated by all DoD-funded research, development, test and evaluation (RDT&E) programs, which are the basis of the DoD Scientific and Technical Information Program (STIP) described in reference (b). This Directive also applies to newly created engineering drawings, standards, specifications, technical manuals, blueprints, drawings, plans, instructions, computer software and documentation, and other technical information that can be used or be adapted for use to design, engineer, produce, manufacture, operate, repair, overhaul, or reproduce any military or space equipment or technology concerning such equipment.

3. Facilitates implementation of DoD Directive 5230.25 (reference (c)) by enabling document originators to signify to what extent technical documents must be controlled in accordance with procedures of that Directive.

4. Does not apply to technical documents categorized as cryptographic and communications security, communications and electronic intelligence, and such other categories that may be designated by the Director, National Security Agency/Chief, Central Security Service.

5. May not be used by DoD Components as authority to deny information to Congress, or to any Federal, State, or local governmental agency that requires such data for regulatory or other official governmental purposes. When the information is otherwise subject to DoD distribution controls, the recipient shall be so notified.

6. Does not provide authority to withhold from public disclosure unclassified information regarding DoD operations, policies, activities, or programs, including the costs and evaluations of performance and reliability of military and space equipment, or any other information not exempt from release under DoDI 5400.7-R (reference (d)).

7. Does not establish non-recurring charges that may apply to recipients of DoD technical data. Such charges are determined in accordance with DoD Directive 2140.2 (reference (e)).

C. DEFINITIONS

The terms used in this Directive are defined in enclosure 2.

D. POLICY

It is DoD policy to pursue a coordinated and comprehensive program to provide for a strong and viable military research, acquisition, and support program consistent with requirements of national security, export laws, and competitive procurement.

E. RESPONSIBILITIES

1. The Under Secretary of Defense for Acquisition (USD(A)) shall monitor compliance with this Directive within DoD Components and take such actions that may be required to ensure consistent and appropriate implementation and control of information within the scope of this Directive.

2. The Under Secretary of Defense for Policy (USD(P)) shall prepare and issue, as required, policy guidance regarding the dissemination and control of information within the scope of this Directive.

3. The Assistant Secretary of Defense (Public Affairs) (ASD(PA)) shall ensure that technical material submitted for public release clearance under DoD Directive 5230.9 (reference (f)) is properly reviewed to determine whether the information is appropriate for Distribution Statement A (enclosure 3) and shall inform the submitted of distribution limitations recommended if public release is not approved. The ASD(PA) shall also process appeals when public release denial is based upon this Directive.

4. The General Counsel, Department of Defense (GC, DoD), shall assist in carrying out this Directive by advising DoD Components regarding the statutory and regulatory requirements governing the export or other dissemination of technical data.

5. Heads of DoD Components shall ensure that this Directive is implemented within their respective Components in a uniform, consistent manner and shall establish procedures to ensure that technical documents are marked correctly.

F. PROCEDURES

1. All DoD Components generating or responsible for technical documents shall determine their distribution availability and mark them appropriately before primary distribution. Documents recommended for public release must first be reviewed in accordance with DoD Directive 5230.9 (reference (f)).

2. DoD distribution statement markings shall not be required on technical proposals or similar documents submitted by contractors seeking DoD funds or contracts.

3. Managers of technical programs shall assign appropriate distribution statements to technical documents generated within their programs to control the secondary distribution of those documents.

a. All newly created unclassified DoD technical documents shall be assigned distribution statement A, B, C, D, E, F, or X (see enclosure 3).

b. Classified DoD technical documents shall be assigned distribution statement B, C, D, E, or F. The distribution statement assigned to a classified document shall be retained on the document after its declassification or until changed specifically or removed by the controlling DoD office. Technical documents that are declassified and have no distribution statement assigned shall be handled as distribution statement F documents until changed by the controlling DoD office.

c. Scientific and technical documents that include a contractor-imposed limited rights statement shall be marked and controlled in accordance with subpart 27.4 of the DoD Supplement to the FAR (reference (g)).

d. For each newly generated technical document, managers of technical programs shall determine whether the document contains export-controlled technical data; DoD Directive 5230.25 (reference (c)) provides guidance for making this determination. Additional guidance may be obtained from component legal counsel. All documents that are found to contain export-controlled technical data shall be marked with the export control statement contained in subsection A.8., below, of enclosure 3; any document so marked must also be assigned distribution statement B, C, D, E, F, or X.

e. Technical documents in preliminary or working draft form shall not be disseminated without a proper security classification review and assignment of a distribution statement as required by this Directive.

4. Distribution statements shall remain in effect until changed or removed by the controlling DoD office. Each controlling DoD office shall establish and maintain a procedure to review technical documents for which it is responsible to increase their availability when conditions permit. The controlling DoD office shall obtain public release determinations in accordance with reference (f). If public release clearance is obtained, the controlling DoD office shall assign distribution statement A, cancel any other distribution statement, and notify the proper document handling facilities.

5. Technical documents marked with superseded distribution statements shall be reviewed when a request for the document is received and shall be assigned an appropriate distribution statement.

6. Technical documents in information repositories that have superseded distribution statements shall be converted as follows:

a. Documents bearing distribution statement A or B of canceled DoD Directive 5200.20, September 24, 1970, and documents bearing distribution statement A, B, C, D, E, or F contained in Secretary of Defense Memorandum "Control of Unclassified Technology with Military Application," October 18, 1983, need not be reevaluated.

b. Technical documents bearing distribution statement numbers 2, 3, 4, and 5 of superseded DoD Directive 5200.20, March 29, 1965, shall be assigned, respectively, distribution statements, C, B, E, and F.

7. Controlling DoD offices shall notify the Defense Technical Information Center (DTIC) and other proper technical document dissemination facilities promptly when:

a. Addresses of designated controlling DoD offices are changed.

b. The controlling DoD office is redesignated.

c. Classification markings, distribution statements, or export control statements are changed.

8. The distribution statement shall be displayed conspicuously on technical documents so as to be recognized readily by recipients.

a. For standard written or printed material, the following applies:

(1) The distribution statement shall appear on each front cover, title page, and DD Form 1473, "Report Documentation Page."

(2) When possible, parts that contain information creating the requirement for a distribution statement shall be prepared as an appendix to permit broader distribution of the basic document.

(3) When practical, the abstract of the document, the DD Form 1473 and bibliographic citations shall be written in such a way that the information will not be subject to distribution statement B, C, D, E, F, or X.

b. If the technical information is not prepared in the form of an ordinary document (such as this Directive) and does not have a cover or title page (such as forms and charts), the applicable distribution statement shall be stamped, printed, written, or affixed by other means in a conspicuous position.

G. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. Forward one copy of implementing documents to the Under Secretary of Defense for Acquisition within 120 days.

William H. Taft, IV
Deputy Secretary of Defense

Enclosures - 4

1. References
2. Definitions
3. Distribution Statements for Use on Technical Documents
4. Contractor-Imposed Distribution Statements

REFERENCES, continued

- (c) DoD Directive 5230.25, "Withholding of Unclassified Technical Data From Public Disclosure," November 6, 1984
- (d) DoD 5400.7-R, "DoD Freedom of Information Act Program," December 1980, authorized by DoD Directive 5400.7, March 24, 1980
- (e) DoD Directive 2140.2, "Recoupment of Non recurring Costs on Sales of US Products and Technology," August 5, 1985
- (f) DoD Directive 5230.9, "Clearance of DoD Information for Public Release," April 2, 1982
- (g) DoD Supplement to the Federal Acquisition Regulation (FAR), Part 27, Subpart 27.4
- (h) DoD 5200.1-R, "Information Security Program Regulation," June 1986, authorized by DoD Directive 5200.1, June 7, 1982
- (i) DoD Instruction 7930.2, "ADP Software Exchange and Release," December 31, 1979

DEFINITIONS

1. Contractor. An individual or organization outside the U.S. Government who has accepted any type of agreement or order to provide research, supplies, or services to a U.S. Government agency, including both prime contractors and subcontractors.

a. Qualified U.S. Contractor. In accordance with DoD Directive 5230.25 (reference (c)), a private individual or enterprise located in the United States whose eligibility to obtain unclassified export-controlled technical data has been established under procedures developed by (USD(A)).

b. DoD Potential Contractor. An individual or organization outside the Department of Defense declared eligible for DoD information services by a sponsoring DoD activity on the basis of participation in one of the following programs:

(1) The Department of the Army Qualitative Requirements Information Program.

(2) The Department of the Navy Industry Cooperative Research and Development Program.

(3) The Department of the Air Force Potential Contractor Program.

(4) The DoD Scientific and Technical Information Program.

(5) Any programs similar to those above in use by other DoD Components.

2. Contracted Fundamental Research. Research performed under grants or contracts funded by budget category 6.1 (Research), whether performed by universities or industry, or funded by budget category 6.2 (Exploratory Development) and performed on campus at a university.

3. Controlling DoD Office. The DoD activity that sponsored the work that generated the technical data or received the technical data on behalf of the Department of Defense and, therefore, has the responsibility for determining the distribution of a document containing such technical data. For joint sponsorship, the controlling office is determined by advance agreement and may be either a party, group, or committee representing the interested activities or DoD Components.

4. Critical Technology. Technology that consists of:

a. Arrays of design and manufacturing know-how (including technical data).

b. Keystone manufacturing, inspection, and test equipment.

c. Keystone materials.

d. Goods accompanied by sophisticated operation, application, or maintenance know-how that would make a significant contribution to the military potential of any country or combination of countries and that may prove detrimental to the security of the United States (also referred to as militarily critical technology).

5. Distribution Statement. A statement used in marking a technical document to denote the extent of its availability for distribution, release, and disclosure without additional approvals or authorizations. A distribution statement marking is distinct from and in addition to a security classification marking assigned in accordance with DoD 5200.I-R (reference (h)).

6. Document. Any recorded information regardless of its medium, physical form, or characteristics.

7. Foreign Government Information

a. Information that is:

(1) Provided to the United States by a foreign government or governments, an international organization of governments, or any element thereof with the expectation either expressed or implied, that the information or the source of information, or both, be held in confidence.

(2) Produced by the United States following or as a result of a joint arrangement with a foreign government or governments or an international organization of governments or any element thereof, requiring that the information, the arrangement, or both, be held in confidence.

b. Information described in subparagraphs 7.a.(1) and (2), above, and in the possession of the Department of Defense is classified information in accordance with reference (h).

8. Primary Distribution. The initial targeted distribution of or access to technical documents authorized by the controlling DoD office.

9. Scientific and Technical Information. Communicable knowledge or information resulting from or pertaining to conducting and managing a scientific or engineering research effort.

10. Secondary Distribution. Release of technical documents provided after primary distribution by other than the originator or controlling office. It includes loaning, allowing the reading of, or releasing a document outright, in whole or in part.

11. Technical Data. Recorded information related to experimental, developmental, or engineering works that can be used to define an engineering or manufacturing process or to design, procure, produce, support, maintain, operate, repair, or overhaul material. The data may be graphic or pictorial delineation's in media, such as drawings or photographs, text in specifications or related performance or design type documents, or computer printouts. Examples of technical data include research and engineering data, engineering drawings, and associated lists, specifications, standards, process sheets, manuals, technical reports, catalog-item identifications, and related information and computer software documentation.

12. Technical Document. Any recorded information that conveys scientific and technical information or technical data. For purposes of this Directive, this includes such informal documents as working papers, memoranda, and preliminary reports when such documents have utility beyond the immediate mission requirement, or will become part of the historical record of technical achievements.

13. Technical Information. Information, including scientific information, that relates to research, development, engineering, test, evaluation, production, operation, use, and maintenance of munitions and other military supplies and equipment

14. U.S. DoD Contractor. Those U.S. contractors currently holding grants or contracts with the Department of Defense, or those contractors declared eligible for DoD information services by a sponsoring DoD activity on the basis of participation in a DoD Potential Contractor Program.

DISTRIBUTION STATEMENTS FOR USE ON TECHNICAL DOCUMENTS

A. The following distribution statements and notices are authorized for use on DoD technical documents:

1. DISTRIBUTION STATEMENT A. Approved for public release; distribution is unlimited.

a. This statement may be used only on unclassified technical documents that have been cleared for public release by competent authority in accordance with DoD Directive 5230.9 (reference (f)). Technical documents resulting from contracted fundamental research efforts will normally be assigned Distribution Statement A, except for those rare and exceptional circumstances where there is a high likelihood of disclosing performance characteristics of military systems, or of manufacturing technologies that are unique and critical to defense, and agreement on this situation has been recorded in the contract or grant.

b. Technical documents with this statement may be made available or sold to the public and foreign nationals, companies, and governments, including adversary governments, and may be exported.

c. This statement may not be used on technical documents that formerly were classified unless such documents are cleared for public release in accordance with reference (f).

d. This statement shall not be used on classified technical documents or documents containing export-controlled technical data as provided in DoD Directive 5230.25 (reference (c)).

2. DISTRIBUTION STATEMENT B. Distribution authorized to U.S. Government agencies only (fill in reason) (date of determination). Other requests for this document shall be referred to (insert controlling DoD office).

a. This statement may be used on unclassified and classified technical documents.

b. Reasons for assigning distribution statement B include:

Foreign Government
Information

To protect and limit distribution in accordance with the desires of the foreign government that furnished the technical information. Information of this type normally is classified at the CONFIDENTIAL level or higher in accordance with DoD 5200.1-R (reference (h)).

Proprietary
Information

To protect information not owned by the US Government and protected by a contractor's "limited rights" statement, or received with the understanding that it not be routinely transmitted outside the US Government.

Critical Technology	To protect information and technical data that advance current technology or describe new technology in an area of significant or potentially significant military application or that relate to a specific military deficiency of a potential adversary. Information of this type may be classified or unclassified; when unclassified, it is export-controlled and subject to the provisions of DoD Directive 5230.25 (reference (c)).
Test and Evaluation	To protect results of test and evaluation of commercial products or military hardware when such disclosure may cause unfair advantage or disadvantage to the manufacturer of the product.
Contractor Performance Evaluation	To protect information in management reviews, records of contract performance evaluation, or other advisory documents evaluating programs of contractors.
Premature Dissemination	To protect patent able information systems processes in the developmental or concept stage from premature dissemination.
Administrative or Operational Use	To protect technical or operational data or Operational Use information from automatic dissemination under the International Exchange Program or by other means. This protection covers publications required solely for official use or strictly for administrative or operational purposes. This statement may be applied to manuals, pamphlets, technical orders, technical reports, and other publications containing valuable technical or operational data.
Software Documentation	Releasable only in accordance with DoD Instruction 7930.2 (reference (i))
Specific Authority	To protect information not specifically included in the above reasons and discussions, but which requires protection in accordance with valid documented authority such as Executive Orders, classification guidelines, DoD or DoD Component regulatory documents. When filling in the reason, cite "Specific Authority (identification of valid documented authority)."

3. DISTRIBUTION STATEMENT C. Distribution authorized to US Government Agencies and their contractors (fill in reason) (date of determination). Other requests for this document shall be referred to (insert controlling DoD office).

a. Distribution statement C may be used on unclassified and classified technical documents.

b. Reasons for assigning distribution statement C include:

Foreign Government Information	Same as distribution statement B.
Critical Technology	Same as distribution statement B.
Software Documentation	Same as distribution statement B.
Administrative or Operational Use	Same as distribution statement B.
Specific Authority	Same as distribution statement B.

4. DISTRIBUTION STATEMENT D. Distribution authorized to the Department of Defense and U.S. DoD contractors only (fill in reason) (date of determination). Other requests shall be referred to (insert controlling DoD office).

a. Distribution statement D may be used on unclassified and classified technical documents.

b. Reasons for assigning distribution statement D include:

Foreign Government Information	Same as distribution statement B.
Administrative or Operational Use	Same as distribution statement B.
Software Documentation	Same as distribution statement B.
Critical Technology	Same as distribution statement B.
Specific Authority	Same as distribution statement B.

5. DISTRIBUTION STATEMENT E. Distribution authorized to DoD Components only (fill in reason) (date of determination). Other requests shall be referred to (insert controlling DoD office).

a. Distribution statement E may be used on unclassified and classified technical documents.

b. Reasons for assigning distribution statement E include:

Direct Military Support The document contains export-controlled technical data of such military significance that release for purposes other than direct support of DoD-approved activities may jeopardize an important technological or operational military advantage of the United States. Designation of such data is made by competent authority in accordance with DoD Directive 5230.25 (reference (c))

Foreign Government	Same as distribution statement B.
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Information

Proprietary Information	Same as distribution statement B.
Premature Dissemination	Same as distribution statement D.
Test and Evaluation	Same as distribution statement B.
Software Documentation	Same as distribution statement B.
Contractor Performance Evaluation	Same as distribution statement B.
Critical Technology	Same as distribution statement B.
Administrative- Operational Use	Same as distribution statement B.
Specific Authority	Same as distribution statement B.

6. DISTRIBUTION STATEMENT F. Further dissemination only as directed by (inserting controlling DoD office) (date of determination) or higher DoD authority.

a. Distribution statement F is normally used only on classified technical documents, but may be used on unclassified technical documents when specific authority exists (e.g., designation as direct military support as in statement-E).

b. Distribution statement F is also used when the DoD originator determines that information is subject to special dissemination limitation specified by paragraph 4-505, DoD 5200.1-R (reference (h)).

7. DISTRIBUTION STATEMENT X. Distribution authorized to US Government Agencies and private individuals or enterprises eligible to obtain export-controlled technical data in accordance with reference (c) (date of determination). Controlling DoD office is (insert).

a. Distribution statement X shall be used on unclassified documents when distribution statements B, C, D, E, or F do not apply, but the document does contain technical data as explained in reference (c).

b. This statement shall not be used on classified technical documents; however, it may be assigned to technical documents that formerly were classified.

8. Export Control Warning. All technical documents that are determined to contain export-controlled technical data shall be marked "WARNING - This document contains technical data whose export is restricted by the Arms Export Control Act (Title 22, USC, Sec 2751, et seq.) or the Export Administration Act of 1979, as amended, Title 50, U.S.C., App. 2401 et seq. Violations of these export laws are subject to severe criminal penalties. Disseminate in accordance with provisions of DoD Directive 5230.25." When it is technically infeasible to use the entire statement, an abbreviated marking may be used,

and a copy of the full statement added to the "Notice To Accompany Release of Export Controlled Data" required by DoD Directive 5230.25 (reference (c)).

9. Handling and Destroying Unclassified/Limited Distribution Documents.

Unclassified/Limited Distribution documents shall be handled using the same standard as "For Official Use Only (FOUO)" material, and will be destroyed by any method that will prevent disclosure of contents or reconstruction of the document. When local circumstances or experience indicates that this destruction method is not sufficiently protective of unclassified limited information, local authorities may prescribe other methods but must give due consideration to the additional expense balanced against the degree of sensitivity.

CONTRACTOR-IMPOSED DISTRIBUTION STATEMENTS

1. Part 27, Subpart 27.4 to the DoD Supplement to the Federal Acquisition Regulation (FAR) (reference (g)) stipulates control procedures for contractor-controlled technical data to which the Government has limited rights. In this case, an approved statement from the DoD Supplement to the FAR shall appear on all copies of each document. Unmarked or improperly marked technical documents supplied by a contractor shall be handled in accordance with the DoD Supplement to the FAR. Limited rights information shall be assigned distribution statements B, E, or F.

2. The limited rights statement shall remain in effect until changed or canceled under contract terms or with the permission of the contractor, and until the controlling DoD Component notifies recipients of the document that the statement may be changed or canceled. Upon cancellation of the statement, the distribution, disclosure, or release of the technical document shall then be controlled by its security classification or, if unclassified, by the appropriate statement selected from this Directive.

3. Reference (g) defines limited rights as the right to use, duplicate, or disclose technical data in whole or in part, by or for the U.S. Government with the expressed limitation that such technical data, without the written permission of the party furnishing such technical data, may not be:

a. Released or disclosed in whole or in part outside the Government.

b. Used in whole or in part by the Government for manufacture, or in the case of computer software documentation, for reproduction of the computer software.

c. Used by a party other than the Government, except for:

(1) Emergency repair or overhaul work only by or for the Government, when the item or process concerned is not otherwise reasonably available to enable timely performance of the work, provided that the release or disclosure outside the Government shall be made subject to a prohibition against further use, release, or disclosure.

(2) Release to a foreign government, as the interest of the United States may require, only for information or evaluation within such government or for emergency repair or overhaul work by or for such government under the conditions of subparagraph 3.c.(1), above.